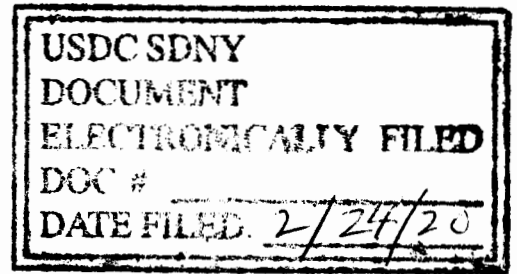


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
CESARIO GARCIA ESPINDOLA, GABRIEL :  
IBARRA, and VICTORIA MANUEL GARCIA :  
GAMBOA individually and on behalf of similarly :  
situated, :

Plaintiffs, :

v. :

PIZZA STOP CORP. (D/B/A PIZZA STOP), 2166 :  
FREDERICK DOUGLASS BLVD CORP. (D/B/A :  
PIZZA STOP), BILUR LALA, LENNY DOE, :  
DAVID DOE, and ARI DOE, :

Defendants. :  
-----X

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

**ORDER**

19-CV-1026 (VSB) (KNF)

On December 30, 2019, the Court: (i) denied the defendants' motion for attorneys' fees, without prejudice, because the defendants sent ex parte "contemporaneous billing records" attached to their December 17, 2019 letter to the Court, claiming they "contain privileged and confidential attorney-client work product and communications"; and (ii) directed the defendants to refile their motion, "which must be supported by admissible evidence." Docket Entry No. 59. The defendants refiled their motion for attorneys' fees, supporting it with their counsel's declaration and Exhibit A, which counsel asserts "is a redacted billing statement reflecting Defendants' reasonable attorneys' fees and costs." Docket Entry No. 62. The plaintiffs challenge the redaction of Exhibit A and the fee application.

The defendants neither sought nor obtained permission to file "a redacted billing statement" based on the assertion of privilege. No explanation of the information contained in Exhibit A was provided by the defendants' counsel, including the basis for redacting the amount

of attorneys' fees requested in Exhibit A. The defendants submitted no evidence identifying any attorney(s) who claims hours or the claiming attorney's experience, reputation and ability. The defendants had two opportunities to make and support their motion for attorneys' fees with admissible evidence, but they failed to do so. Accordingly, the defendants' motion for attorneys' fees, Docket Entry No. 60, is denied, with prejudice.

Dated: New York, New York  
February 21, 2020

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE